

**REMARKS**

Claims 1-7 and 12-39 are pending in this application. Claims 1-7 and 12-39 currently stand rejected, and claims 1 and 12-15 have been amended. Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks.

**Rejection under 35 U.S.C. §102**

Claims 1-7 and 12-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by US Pat 6,385,389 to Maruyama et al. ("Maruyama"). This rejection is respectfully traversed for the reasons detailed below.

With regard to claim 1, the Examiner states that Maruyama teaches each and every element of that claim. Applicants note that claim 1 has been amended to recite that "the first clip stream **file** includ[es] **video** data" and a "the second clip stream **file** includ[es] **audio** data." FIG. 27 of Maruyama teaches that its Video Object Units (411-14) include audio (1423) and video (1421) for complete presentation. See Maruyama, Col. 35, ll. 21-31. Maruyama further requires that its VOBUs be stored in a **single AV file** (1401) managing all audio-visual data contained therein, including the VOBs, cells, and ultimately the VOBUs and audio and video data packs managed by the management information stored in the AV file. See Maruyama, Col. 34, ll. 55-58. Thus, Maruyama fails to teach or suggest the separate **files** including audio and video data as recited in claim 1 as amended

Further, claim 1 has been amended to clarify that the playitem indicates "an in-point and an out-point of the **first clip stream file**" containing video

data and the sub-playitem indicates “an in-point and an out-point of the **second clip stream file**” containing audio data. Where, in FIG. 27, Maruyama discloses a user-defined program chain (PGC 1446), the program chain merely links VOBUs to be reproduced sequentially. *See* Maruyama, Col. 35, ll. 51-61. As discussed above, Maruyama’s audio and video packs are stored together in the VOBUs, such that the PGCs, identifying only whole cells containing the packs in a single AV file, cannot indicate in-points and out-points of the **different clip stream files** storing video and audio. Thus, Maruyama lacks the playitem and sub-playitem as recited in claim 1 as amended.

Because Maruyama fails to disclose each and every element of claim 1 as amended, Maruyama cannot anticipate or render obvious claim 1. Claims 12-15 recite the same unique feature as amended claim 1 discussed above and are thus equally allowable over Maruyama. Claims 2-7 and 16-39 are allowable at least for depending from a valid base claim. Withdrawal of the rejection under § 102(e) to claims 1-7 and 12-39 is respectfully requested.

Provisional Claim Rejections - Double Patenting

Claims 1-7 and 12-39 stand provisionally rejected under nonstatutory obviousness-type double patenting as being unpatentable over claims in co-pending Application No. 10/766,211 in view of Maruyama. Applicants will address this rejection should it become non-provisional when either the present or co-pending application have issued and the final status of the claims may be assessed.

**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNESS, DICKEY, & PIERCE, P.L.C.

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